

# **ACTION AGENDA**

**Monday, June 11, 2012**

Worksession

Committee of the Whole

Regular Meeting

## **WORKSESSION AGENDA**

### **1. CALL TO ORDER, 4:00 P.M.**

Councilmember Roberts called the meeting to order at 4:04 p.m.

Councilmember Howard has requested excusal.

Mayor Hornaday and Mayor Pro Tempore Wythe arrived at 4:21 p.m.

Mayor Hornaday ruled Councilmember Wythe may participate in the Natural Gas discussions and there was no objection from Council.

### **2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

### **3. Natural Gas Line Distribution System Financing**

### **4. COMMENTS OF THE AUDIENCE**

There were two who commented.

### **5. ADJOURNMENT**

Mayor Hornaday adjourned the meeting at 4:57 p.m.

## **COMMITTEE OF THE WHOLE AGENDA**

### **1. CALL TO ORDER, 5:00 P.M.**

Mayor Hornaday called the meeting to order at 5:01 p.m.

Councilmember Howard has requested excusal.

### **2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

**3. REGULAR MEETING AGENDA**

**4. COMMENTS OF THE AUDIENCE**

There were two who commented.

**5. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Mayor Hornaday adjourned the meeting at 5:49 p.m.

**REGULAR MEETING AGENDA**

Session 12-16 a Regular Meeting of the Homer City Council was called to order on June 11, 2012 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: BURGESS, LEWIS, ROBERTS,  
WYTHE, ZAK

**ABSENT:** HOWARD (excused)

**STAFF:** CITY MANAGER WREDE  
CITY CLERK JOHNSON  
CITY ATTORNEY KLINKNER  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER  
FINANCE DIRECTOR MAURAS  
LIBRARY DIRECTOR DIXON  
POLICE CHIEF ROBL  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Howard has requested excusal.

Mayor Hornaday ruled Councilmember Howard as an excused absence. There was no objection from the Council.

Department Heads may be called upon from time to time to participate via teleconference.

**2. AGENDA APPROVAL**

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The agenda was approved by consensus of the Council.

**3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were five who commented.

**4. RECONSIDERATION**

- A. **Reconsideration issued by Councilmember Howard - Resolution 12-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule for Port and Harbor Fees for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

RECONSIDERED.

If reconsidered will be heard under Resolutions.

- B. **Reconsideration issued by Councilmember Howard - Resolution 12-038**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

RECONSIDERED.

If reconsidered will be heard under Resolutions.

**5. CONSENT AGENDA**

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular Meeting minutes of May 29, 2012. City Clerk. Recommend adoption.

APPROVED without discussion.

**6. VISITORS**

- A. **Dave Brann**, Kachemak Bay Water Trails Association, proposed Water Trail, 10 minutes.

Memorandum 12-091 from Parks and Recreation Advisory Commission as backup.

Dave Brann, Co-Chair of the Kachemak Bay Water Trail Steering Committee, made a presentation on the proposed Water Trail.

**7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. **Mayor's Recognition** - Community Recreation Kayaking Instructor Tom Pogson, National Water Safety Congress Award of Merit & Community Recreation Program Instructor.

Mayor Hornaday read the recognition and presented it to Tom Pogson.

- B. **Mayor's Recognition** – Homer Playground Project, Deb Cox and Miranda Weiss & Community Volunteers.

Mayor Hornaday read the recognition and presented it to Deb Cox and Miranda Weiss.

- C. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported the Assembly appropriated \$73M for the FY 12 budget; \$43M for the school district. There was \$8M+ for solid waste. The South Peninsula Hospital has come to an agreement with RBM Evolution for a 20-year lease agreement for the \$4.7M radiation/oncology facility they are building. The Legislature contributed \$2M to the project that is to be completed next April. People needing radiation will not have to travel to Anchorage. Assemblyman Smith complimented Tom Pogson for a well deserved recognition.

- D. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

**8. PUBLIC HEARING(S)**

**9. ORDINANCE(S)**

- A. **Ordinance 12-21**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating Up to \$12,000 from the Sewer Reserve Fund for the Replacement of the Bald Mountain Air Sewer Service. City Manager/Public

Works Director. Recommended dates: Introduction June 11, 2012, Public Hearing and Second Reading June 25, 2012.

Memorandum 12-089 from Public Works Inspector as backup.

Councilmember Burgess declared a potential conflict of interest due to extensive financial dealings with Bald Mountain.

Mayor Hornaday ruled Councilmember Burgess as excused and there was no objection from the Council. Councilmember Burgess excused himself from discussion.

ADOPTED without discussion.

Councilmember Burgess returned to the bench.

B. **Ordinance 12-22**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.01.030, Definitions; Homer City Code 4.30.030, Application for Ballot; Homer City Code 4.30.050, Materials for Absentee Voting; Homer City Code 4.30.060, Issuance of Ballot by Mail or In Person; Homer City Code 4.30.070, Casting Absentee Ballot; Homer City Code 4.35.010, Review of Election Documents by Canvass Board; to Provide for Absentee Voting in City Elections by Electronic Transmission. City Clerk. Recommended dates: Introduction June 11, 2012, Public Hearing and Second Reading June 25, 2012.

ADOPTED without discussion.

C. **Ordinance 12-23**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation (ADOT) Reimbursement of up to \$6,720.00 for Commercial Vehicle Enforcement Inspections and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction June 11, 2012, Public Hearing and Second Reading June 25, 2012.

Memorandum 12-092 from Police Chief as backup.

ADOPTED without discussion.

D. **Ordinance 12-24**, An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule; and Homer City Code Chapter 19.20, Parks and Recreational Facilities; to Provide Regulations for the Use of City Parks and Penalties for Their Violation. City Manager. Recommended dates: Introduction June 11, 2012, Public Hearing and Second Reading June 25, 2012.

AMENDED: Lines 75 & 76 stricken. Added item l (line 93) to read: Dumpsters provided at park facilities are intended for park use only.

REFERRED to Parks and Recreation Advisory Commission.

SECOND READING June 25, 2012.

- E. **Ordinance 12-25**, An Ordinance of the Homer City Council Amending the Official Road Maintenance Map of the City of Homer by Adding a Portion of Ohlson Lane and West Bunnell Avenue as Urban Road; and a Portion of Mission Road as Rural Road. City Manager/Public Works Director. Recommended dates: Introduction June 11, 2012, Public Hearing and Second Reading June 25, 2012.

ADOPTED with discussion.

## **10. CITY MANAGER'S REPORT**

- A. City Manager's Report

At the earlier worksession there was extensive discussion on the gas line.

Dredged materials from the Spit could be used for the creation of new uplands. The Port is required to come up with the 20-year dredge plan for the Corps of Engineers. In the past dredge materials were treated as a burden instead of a use to benefit us.

- B. Bid Report

## **11. CITY ATTORNEY REPORT**

City Attorney Klinkner referenced the written report to Council and asked if there were any questions. Council did not have questions of the attorney.

## **12. COMMITTEE REPORT**

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report
- G. Water and Sewer Rate Task Force

**13. PENDING BUSINESS**

**14. NEW BUSINESS**

- A. **Memorandum 12-090**, from Community and Economic Development Coordinator, Re: 2013-2018 CIP Schedule and FY 2014 Legislative Request Development Schedule.

APPROVED without discussion.

Lewis/zak - so moved.

- B. **Memorandum 12-097**, from Systems Manager, Re: Tablets for Council Use.

FAILED with discussion.

- C. **Memorandum 12-098**, from City Clerk, Re: 2013 Proposed Budget Schedule.

APPROVED without discussion.

**15. RESOLUTIONS**

- A. **If reconsidered: Resolution 12-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule for Port and Harbor Fees for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

**Resolution 12-037(S)**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule for Port and Harbor Fees for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

SUBSTITUTE RESOLUTION ADOPTED without discussion.

- B. **If reconsidered: Resolution 12-038**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

**Resolution 12-038(S)**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 for the Purpose of Repaying a Revenue Bond and Contributing to the Port and Harbor Enterprise Reserves. City Clerk/Port and Harbor Advisory Commission.

SUBSTITUTE RESOLUTION ADOPTED without discussion.

- C. **Resolution 12-051**, A Resolution of the City Council of Homer, Alaska, Establishing a 2012 Mill Rate of 10.0264 Mills for the Ocean Drive Loop Special Service District. City Manager.

FAILED with discussion.

- D. **Resolution 12-052**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Renewal of the Jail Service Contract for FY 2013 with the State of Alaska in the Amount of \$637,218.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief.

Memorandum 12-095 from Police Chief as backup.

ADOPTED without discussion.

- E. **Resolution 12-053**, A Resolution of the City Council of Homer, Alaska, Extending the Contract for General Counsel Legal Services with the Firm of Birch, Horton, Bittner, Inc. for the Period of August 1, 2012 through July 31, 2013 in the Amount of \$11,000.00 per Month and Authorizing the Mayor to Execute the Contract. City Clerk.

POSTPONED to June 25, 2012.

- F. **Resolution 12-054**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Prepare and Sign a Purchase Offer for Lot 75, Bunnells Subdivision. City Manager/Public Works Director.

Memorandum 12-093 from Public Works Director as backup.

AMENDED: to add a whereas to make \$39,586 available for the property purchase.

ADOPTED with discussion.

- G. **Resolution 12-055**, A Resolution of the City Council of Homer, Alaska, Authorizing the Purchase of Cylindrical Rubber Fender Units for the Deepwater Dock Fender Replacement Project from the Firm of Fenderteam Americas, Inc. of Lansdowne, Virginia, in the Amount of \$58,672 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 12-094 from Public Works Director as backup.

ADOPTED with discussion.

- H. **Resolution 12-056**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Policies, Fines and Fees Policy, for Overdue Items, Photocopies, Library Cards, Interlibrary Loan, Replacement and Damage Charges, and Digital Devices. City Clerk/Library Director.

Memorandum 12-096 from Library Director as backup.

ADOPTED without discussion.

**16. COMMENTS OF THE AUDIENCE**

There were two who commented.

**17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner commented if Council has concerns about restructuring his contract he would appreciate them letting him know before the next meeting.

**18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

**19. COMMENTS OF THE CITY MANAGER**

City Manager Wrede had no comment.

**20. COMMENTS OF THE MAYOR**

Mayor Hornaday had not comment.

**21. COMMENTS OF THE CITY COUNCIL**

Councilmember Wythe expressed disappointment of not reaching a resolution on the mill rate. It exposes the entire community to the expense of maintaining the Seawall with no potential this year of making a recovery on the funds we have already spent. She recognizes and understands the concerns of the people that live on Seawall for the maintenance and expense it requires. She has no doubt the City will continue to help them and the City find resolution so we are no longer the bearers of their expense. In the short term of trying to see a long term resolution we have done a poor job for our citizens.

Councilmember Roberts echoed Beth's comments; she is disappointed too. She reminded those on the prevailing side they still have the opportunity to reconsider the resolution. In light of the resolution not passing tonight, she does not support eliminating anyone from the Seawall in the future. Unless there is a better resolution than everyone in town taking care of the Seawall, she won't be voting to change anything. She would be happy to support the water trail which is a good idea for Kachemak Bay. She congratulated the Homer High School girls' softball team; everyone knows they did a great job at State this year. Council had a good discussion on tablets and she thinks we erred in the wrong direction. We have left ourselves in the position where if something comes up she has to turn her technology over to the City. She doesn't believe that is what she was elected to do. We should revisit that issue. She missed Nick's monitor tonight.

Councilmember Burgess commented on the Seawall. He takes full responsibility for being on the side that has imposed a financial short term cost on the City. Somebody needs to step up and advocate for a long term solution to this problem. We have had 10 – 15 years of people batting the ball around. The City needs to put its money where its mouth is and make the call that we are either going to walk away from it or totally take care of it.

Councilmembers Lewis and Zak had no comment.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:47 p.m. The next Regular Meeting is Monday, June 25, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.